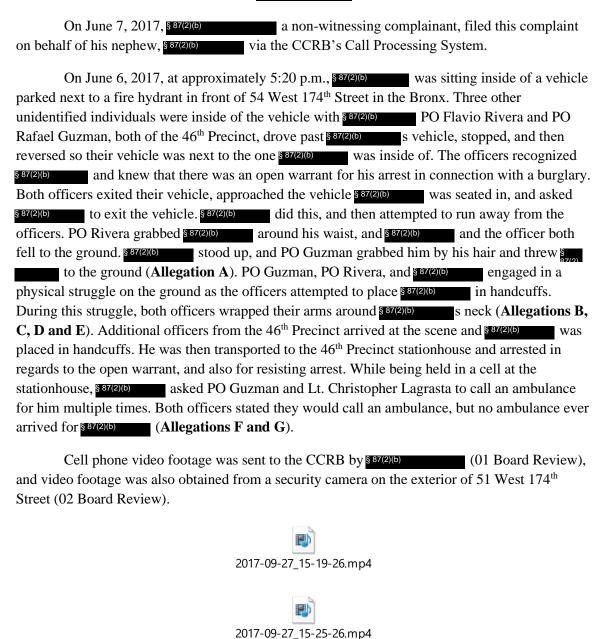
CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	M	Force	П	Discourt.	□ U.S.
Harry Feigen		Squad #13	201704509	1	Abuse	$\overline{\Box}$	O.L.	☑ Injury
Tamily Tongon		Squue :: 15	20170.009		110000		0.2.	<u> </u>
Incident Date(s)		Location of Incident:		I	Precinct:	18	Mo. SOL	EO SOL
Tuesday, 06/06/2017 5:20 PM		Opposite of 54 West 1' the 46th Precinct statio			46	1	2/6/2018	12/6/2018
Date/Time CV Reported		CV Reported At:	How CV Reported	:	Date/Time	Rec	eived at CCI	RB
Tue, 06/06/2017 10:54 PM		CCRB	Call Processing System		Tue, 06/06	5/201	7 10:54 PM	
Complainant/Victim	Type	Home Addre	ess					
Witness(es)		Home Addre	ess					_
Subject Officer(s)	Shield	TaxID	Command					
1. POM Rafael Guzman	03491	934982	046 PCT					
2. POM Flavio Rivera	26260	937383	046 PCT					
3. LSA Christophe Lagrasta	00000	906601	046 PCT					
Witness Officer(s)	Shield N	o Tax No	Cmd Name					
1. POM Valon Rugova	07286	957113	046 PCT					
Officer(s)	Allegatio	on			Inve	estiga	ator Recon	nmendation
A.POM Rafael Guzman		t 54 West 174th Street in used physical force again		fael				
B.POM Rafael Guzman		t 54 West 174th Street in used a chokehold agains		fael				
C.POM Rafael Guzman	Force: A Guzman	t 54 West 174th Street in restricted § 87(2)(b)	n the Bronx, PO Rat s breathing.	fael				
D.POM Flavio Rivera		t 54 West 174th Street is sed a chokehold against		vio				
E.POM Flavio Rivera		t 54 West 174th Street in estricted § 87(2)(b) s I	n the Bronx, PO Fla breathing.	vio				
F.POM Rafael Guzman		at the 46th Precinct stational that the did not obtain medical t						
G.LSA Christophe Lagrasta		at the 46th Precinct stational that the did not obtain medical t			r			

Case Summary



Mediation, Civil, and Criminal Histories

• This case was not suitable for mediation, due to §87(2)(b) s arrest.

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	A notice of claim was submitted to the NYC Comptroller's Office on September 25,				
	2017. On October 2, 2017, it was returned with negative results (03 Board Review).				
	§ 87(2)(b)				
	§ 87(2)(b);§§ 86(1)(3)(4);§ 87(2)(c)				
Civilian and Officer CCRB Histories					
	§ 87(2)(b)				
	PO Rivera has been a member of service for 12 years. There are no substantiated				
	allegations on his record. § 87(2)(9)				

- allegations on his record, \$87(2)(9)

 PO Guzman has been a member of service for 13 years. There are no substantiated
- PO Guzman has been a member of service for 13 years. There are no substantiated
 allegations on his record. There are three discourtesy allegations against him across three
 cases. Two have been closed as "complainant uncooperative," and one as
 "unsubstantiated."
- Lt. Lagrasta has been a member of service for 23 years. In case 201208475, a strip-search allegation was substantiated against him.

Civilian Contact Attempts

was unable to provide any names or contact information for any of the friends he was with during this incident. He provided the name and phone number of his sister, as someone who might be able to provide information regarding these witnesses. Sa7(2)(b) was called, and she stated she did not have any names or contact information for any of the witnesses in this case. Sa7(2)(b) was also called, and he did not have any names or contact information for any of sa7(2)(b) s friends either. Given this, and that none of the other individuals present for this incident were summonsed or arrested, the investigation was unable to identify any sa7(2)(b) s friends who were present for this incident. The Field Team canvassed the incident location for witnesses, and located sa7(2)(b) the superintendent of 54 West 174th Street in the Bronx. Sa7(2)(b) was present for the incident and provided a statement to the CCRB, but the Field Team did not locate any other witnesses.

Findings and Recommendations

Officer Identification

stated that while he was in a holding cell at the 46th Precinct stationhouse, an officer in a white uniformed shirt spoke with him. §87(2)(b) alleged that he asked this officer to

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call an ambulance for him, and that the officer failed to do so. \$87(2)(5) described this officer as a white male who was over 6'0" tall, with a slim build and white hair.

The 46th Precinct roll call for tour three on June 6, 2017, shows that Lt. Christopher Lagrasta was the only officer with a rank of lieutenant or above who was working during that tour (05 Board Review). He thus would have been the only officer wearing a white uniformed shirt at that time. He is a 6'0" tall, 205-pound white male with red hair that is greying. The roll call for tour one on June 7, 2017, shows that Lt. Angelica Amaya was the only officer with a rank of lieutenant or above who was working during that tour (06 Board Review). She is a black female. According to the 46th Precinct prisoner holding pen roster, [S97(2)(b)] was transported to Bronx Central Booking at 4:25 a.m. on June 7, 2017 (07 Board Review).

Given that the only two officers who would have been wearing white uniformed shirts while was held at the 46th Precinct stationhouse were Lt. Lagrasta and Lt. Amaya, and that Lt. Amaya is a black female whereas Lt. Lagrasta matches the description of the officer provided by \$87(2)(b) the investigation determined that Lt. Lagrasta was the subject of **Allegation G**.

Allegations Not Pleaded

Stop – PO Guzman and PO Rivera both stated that their sole reason for approaching the vehicle that \$87(2)(b) was seated inside of was that they recognized \$87(2)(b) and knew that there was an open arrest warrant for him regarding an assault. This is also the reason given for the stop in \$87(2)(b) s arrest report (08 Board Review) \$87(2)(b) which granted the officers in this case probable cause to arrest \$87(2)(b) and that they arrested \$87(2)(b) in regards to these warrants, no stop allegation is pleaded.

Allegation A: Force – At 54 West 174th Street in the Bronx, PO Rafael Guzman used physical force against §87(2)(b)

§ 87(2)(g)

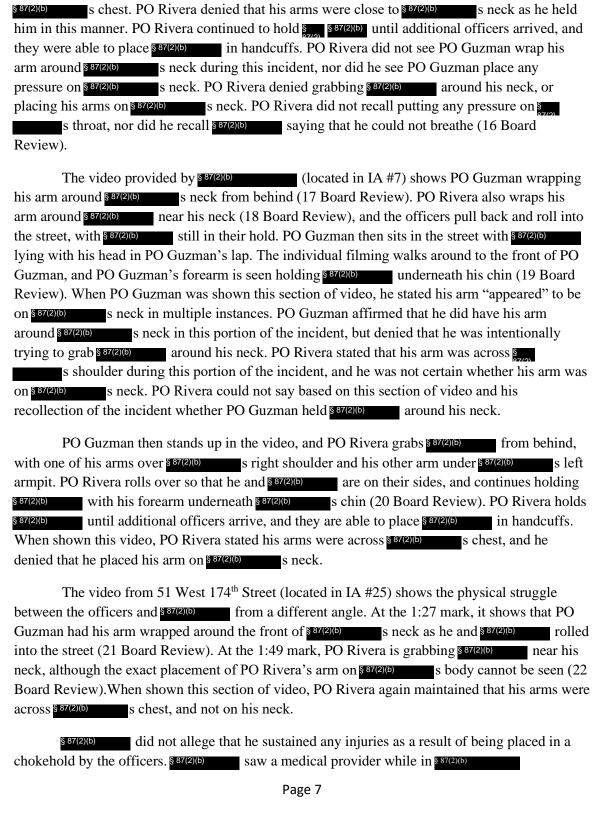
It is undisputed that PO Guzman and PO Rivera approached the vehicle \$\frac{87(2)(b)}{2}\$ was seated inside of, asked \$\frac{87(2)(b)}{2}\$ to step out of the vehicle, and that \$\frac{87(2)(b)}{2}\$ complied. It is also undisputed that the officers intended to place \$\frac{87(2)(b)}{2}\$ under arrest at that time in regards to an arrest warrant for a burglary. \$\frac{87(2)(b)}{2}\$ stated that both officers then immediately grabbed him and threw him to the ground. He denied that he tried to run away from the officers, or gave

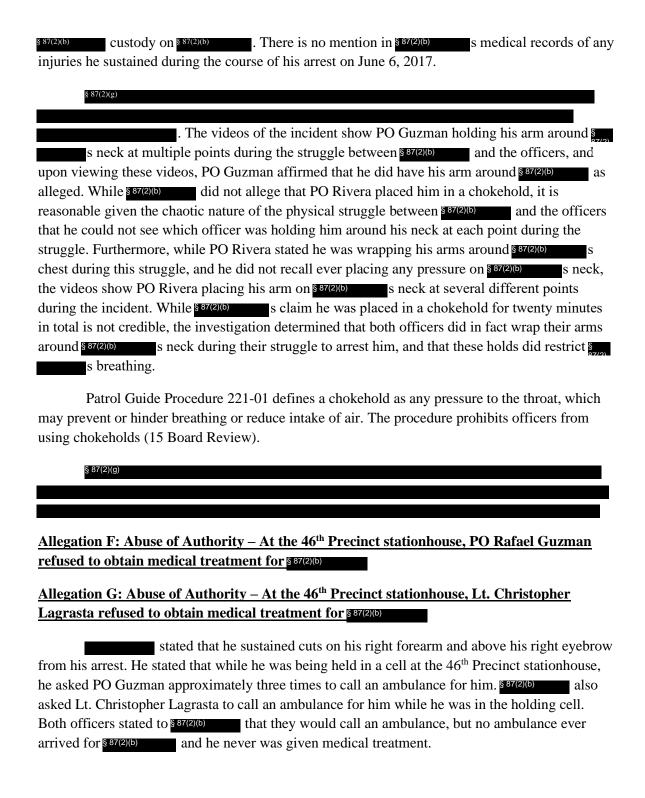
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them any physical resistance prior to the officers throwing him on the ground. He did not allege that PO Guzman grabbed him by the hair and threw him to the ground (13 Board Review).
PO Guzman stated that after \$\frac{\mathbb{S}^{7(2)(b)}}{\mathbb{D}}\$ stepped out of the vehicle, he started running away from the officers. PO Rivera grabbed \$\frac{\mathbb{S}^{87(2)(b)}}{\mathbb{D}}\$ around his waist, and PO Rivera stumbled and fell onto his knees. \$\frac{\mathbb{S}^{87(2)(b)}}{\mathbb{D}}\$ continued trying to run away, and dragged PO Rivera, who was still holding onto \$\frac{\mathbb{S}^{87(2)(b)}}{\mathbb{D}}\$ around his waist. PO Guzman then grabbed \$\frac{\mathbb{S}^{87(2)(b)}}{\mathbb{D}}\$ by his hair and pulled him to the ground (14 Board Review).
The video from the exterior of 51 West 174 th Street shows that \$87(2)(b) did run from the officers after exiting the vehicle. PO Rivera grabbed \$87(2)(b) around his waist, and both and PO Rivera fall to the ground. \$87(2)(b) stands up, and PO Rivera remains on the ground, but is still holding \$87(2)(b) around his legs. PO Guzman attempts to grab \$87(2)(b) and \$87(2)(b) continues stumbling and trying to push PO Guzman away from him. PO Guzman then grabs the top of \$87(2)(b) s head by his hair and pulls him to the ground.
§ 87(2)(g)
Patrol Guide Procedure 221-01 stipulates that an officer's use of force must be reasonable given the totality of the circumstances in which he or she uses it (15 Board Review).
§ 87(2)(g)

chokehold against § 87(2)(b) Allegation C: Force – At 54 West 174th Street in the Bronx, PO Rafael Guzman restricted § 87(2)(b) s breathing. Allegation D: Force – At 54 West 174th Street in the Bronx, PO Flavio Rivera used a chokehold against § 87(2)(b) Allegation E: Force – At 54 West 174th Street in the Bronx, PO Flavio Rivera restricted s breathing. alleged that after the officers threw him to the ground, PO Guzman wrapped his arm around \$87(2)(b) s neck. This hold placed pressure on the front of \$100. s neck, and caused him to have difficulty breathing. § 37(2)(5) told the officers that he could not breathe, but PO Guzman continued holding him in this manner for approximately twenty minutes. §87(2)(b) was moving his body in an attempt to be able to breathe, but he denied that he resisted the officers in any other way. PO Rivera was also holding [887(2)(b)] body while PO Guzman held \$87(2)(b) around his neck, but \$87(2)(b) denied that PO Rivera ever placed him in a chokehold. PO Guzman stated that after he pulled \$87(2)(b) to the ground, PO Guzman, PO Rivera, and §87(2)(b) began wrestling on the ground as the officers attempted to handcuff resisted the officers by "flaring" his arms and legs. PO Guzman placed in a "headlock," in which he wrapped his arm around the right side of § 87(2)(5) s neck, underneath \$ 87(2)(b) s jawline. PO Guzman held \$ 87(2)(b) in this manner for approximately three to four seconds. PO Guzman did not recall if he placed pressure on §87(2)(b) After releasing \$87(2)(b) from this hold, PO Rivera grabbed \$87(2)(b) from behind, wrapping his arm around across §87(2)(b) seems chest. Additional officers arrived, and they were able to place \$87(2)(b) in handcuffs. PO Guzman did not recall seeing PO Rivera grab around his neck, nor did he recall seeing PO Rivera place any pressure on §87(2)(b) throat during this incident. PO Guzman did not recall grabbing \$87(2)(b) around his neck at any time during this incident other than the aforementioned headlock, nor did PO Guzman recall ever indicating that he was having trouble breathing. PO Rivera stated that after § 87(2)(b) and PO Rivera were on the ground, PO Guzman grabbed and held \$37(2)(b) who was struggling by "flaring" his arms and legs, and moving his body. PO Guzman held [887(2)(6)] by his shoulders, arms, and hands at that time. PO Rivera then grabbed \$87(2)(b) from behind by reaching one arm over \$87(2)(b) s shoulder and his other arm underneath \$87(2)(b) some s opposite armpit, and clasping his hands together in front of Page 6

Allegation B: Force – At 54 West 174th Street in the Bronx, PO Rafael Guzman used a





PO Guzman denied that \$87(2)(b) had any visible injuries, or that he complained of any injuries during this incident. He denied that \$87(2)(b) ever asked him or any other officer to call an ambulance for him at the 46 th Precinct stationhouse.
PO Rivera stated he did not know if \$87(2)(b) sustained any injuries during this incident. He denied that \$87(2)(b) complained of any injuries or pain, and he denied hearing ask any officers to call an ambulance for him.
Lt. Lagrasta denied having any interaction with \$87(2)(b) inside of the 46 th Precinct stationhouse. He denied that \$87(2)(b) asked him, PO Guzman, or any other officer to call an ambulance for him during this incident (23 Board Review).
PO Valon Rugova of the 46 th Precinct prepared a medical treatment of prisoner report for (24 Board Review). This report states that \$87(2)(6) received minor scrapes and bruises during his arrest, and that \$87(2)(6) refused medical aid at the 46 th Precinct stationhouse. When shown this form, PO Guzman maintained that he never learned of having any injuries during this incident.
PO Rugova stated that he transported \$87(2)(b) from the 46 th Precinct stationhouse to Bronx Central Booking, but otherwise did not have any interaction with \$87(2)(b) during this incident. \$87(2)(b) had a cut on his right cheek, but he did not complain of any injuries or ask PO Rugova for medical treatment. PO Rugova asked \$87(2)(b) immediately prior to transporting him to Bronx Central Booking whether he needed medical treatment, and \$17(2)(c) stated he did not. PO Rugova denied hearing \$87(2)(b) ask any officers to call an ambulance for him (25 Board Review).
s medical records from the Department of Corrections indicate that he saw a medical provider in street custody on street, for a general intake examination. There is no mention in these records of any injuries street, sustained during his arrest on June 6, 2017 (26 Board Review).
§ 87(2)(g)

Squad: 13			
Investigator: _	Signature	Print	Date
Squad Leader: _	Title/Signature	Print	 Date
Reviewer: _	Title/Signature	Print	 Date